

REMARKS

The application has been amended and is believed to be in condition for allowance. The claims have been amended in view of the comments made in the Official Action. New claims are added. No new matter is entered by way of these amendments.

An interview is requested.

Claims 13-28 stand rejected under 35 USC 101 as being directed to non-statutory subject matter.

The pending claim set comprises method claims. As per MPEP 706.03(a), the term "process" as defined in **35 U.S.C. 100**, means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material. Thus, the claims general fall within 35 USC 101.

The rejection explains that the claims fail to comply with section 101, stating that the claim fail to meet the "machine-or-transformation" test, i.e., that the claims are not tied to a particular machine or that the claims do not transform an article into a different state or thing.

The claims are directed to a particular machine and do transform an article into a different state. The claims have been amended to recite a computerized travel reservation system each performing various of the steps. The claims recite various articles being transformed into a different state, e.g., the storage of rules transforms the computerized travel reservation system into a different state upon the created rules being stored thereon, and the system is also transformed with the table of

geographic zone types being stored. The new state of the computerized travel reservation system, i.e., with the stored table, transforms the computerized travel reservation system into a new useful, concrete, and tangible condition (is a useful, concrete, and tangible resultant). The transformation of computer readable medium upon the created rules being stored thereon provides a useful, concrete, and tangible resultant.

These recitations further tied the claims to a particular machine, i.e., a computerized travel reservation system.

The MPEP provides that for an invention to be "useful" it must satisfy the utility requirement of section 101. The USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. The present claims provide a utility that is specific, substantial and credible. The claims are directed to a practical application that produces a useful result.

The tangible requirement requires (per the MPEP) that the claim must forth a practical application to produce a real-world result. The present claims satisfy this requirement.

A "concrete" result means the process must have a result that can be substantially repeatable or the process must substantially produce the same result again. There is no question that this criteria is satisfied.

Again, the claims are directed to a particular machine in that the computer apparatus must be specifically devised and adapted to carry out the process recited, which process is itself novel and non-obvious.

Withdrawal of this rejection is solicited.

Rejections Under 35 USC 103

Claims 13, 18, 22-26 and 28 stand rejected as obvious over FALTINGS 2003/0033164 in view of MOGLER 2003/0110062.

Claims 14, 15 and 27 stand rejected in further view of Official Notice of how to place addition zone types into a table as being within the ordinary skill in the art.

Claims 16, 17 and 19 also stand rejected in further view of Official Notice of the concept of significant figures and how to place addition zone types into a table.

Claims 20-21 are rejected as obvious in still further view of WINTER 2001/0007088.

Although applicants' previous remarks still apply, in the interest of brevity, they are not repeated here.

The independent claim has been amended to more specifically recite the invention.

The invention includes the use of a group of geographic zones of corresponding respective geographic zone types. For example, the geographic zones include: - plural airport zones corresponding to an airport geographic zone type, - plural city zones corresponding to a city geographic zone type, - plural

state zones corresponding to a state geographic zone type, - plural country zones corresponding to a country geographic zone type, - plural geographic region zones corresponding to a geographic region geographic zone type, and - a world zone corresponding to a world geographic zone type. Claim 13 now explicitly recites wherein the origin market and the destination market each correspond to at least one geographic zone type from the group consisting of an airport geographic zone type, a city geographic zone type, a state and country geographic zone type, a country geographic zone type, a geographic region geographic zone type, and a world geographic zone type.

Further, claim 13 now makes explicit that the computerized travel reservation accesses the content of the stored rules in response to a request for a flight search pertaining to a selected market pair, and returns one of the stored rules based on a priority of the selected market pair as indicated by the priority rank associated with the geographic zone type of the origin market and priority rank associated the geographic zone type of the destination market of the select market pair.

This approach is neither taught nor suggested by the prior art.

Even if the prior art (FALTINGS) happens to disclose an element of one of the geographic zone types, i.e., departure and arrival cities, the prior art does not teach the use of plural geographic zone types and a priority ranking as recited.

The rejection of claim 13 should therefore be withdrawn. The dependent claims are allowable at least for depending from an allowable claim.

Further, the Official Notice is disputed.

The Examiner states that one of skill would recognize how to do various of the recited steps. The issue is not whether accomplishing the steps is within the skill of the art, the issue is whether performing the steps, as recited, is obvious.

Claim 13 does not recite the general steps of creating rules, storing rules, defining market pairs and creating a table with associated priority ranks. Rather, the claim is directed to the specifics associated with each step, i.e., the group of geographic zones and corresponding geographic zone types, the content of the recited rules, the definitions of origin market and destination market with respect to the geographic zone types, and the content of the created table with the associated priority rank.

The Official Action asserts (page 6) that "specific zones (airport, city, country, geographic region) are well known in the art as criteria to be used in limiting searches. It would be a trivial modification to include an expansive list of zones."

Applicants are not aware of a group of geographic zones be used in the manner disclosed and recited. The applied art does not disclose such. If the features of the invention are indeed well known, then applicants respectfully request the Examiner present art demonstrating the same.

In point 12, page 9 of the Official Action, FALTINGS is offered as disclosing departure and arrival cities. This is true, however, FALTINGS does not disclose the use of geographical zones or the weighting of rules based on geographical zone weightings.

Much of the rejections seem to simply state that it would be easy/trivial to modify the prior art in the manner recited. However, the degree of complexity in modifying the prior art is not the issue. The issue is whether the recited features are novel and non-obvious in view of the prior art.

Simply put, the prior art does not teach or suggest responding to a flight search request based on a resulting priority determined by referencing an origin market and a destination market in the request to corresponding origin markets and destination markets in the stored rules.

As to point 16, Official Action page 11, the Examiner misplaces the difficulty of accomplishing the recite use of a group of geographical zones with the inventive concept of using zones in the manner recited. This use is not in the prior art and the Examiner must show that such use is known or obvious.

Trying to make the claimed invention obvious by an unsubstantiated "Official Notice" is not permitted.

As to points 23, 24, and 25, WINTER adds nothing to the other references. WINTER has nothing to do with storage of data within a computerized reservation system or with on-board services for flights.

Summary

In that the prior art does not teach or suggest the combination of claimed features, all the claims are believed allowable. Reconsideration and allowance of all the claims is therefore solicited.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

This amendment is believed to be fully responsive to the Official Action.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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